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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 ROBERT KIRBY WELLS,
15 Defendant.

Case No. 2:21-cr-0164-WBS

**STIPULATION TO CONTINUE STATUS
CONFERENCE AND EXCLUDE TIME
UNDER THE SPEEDY TRIAL ACT;
FINDINGS AND ORDER**

**DATE: August 22, 2022
TIME: 9:00 a.m.
COURT: Hon. William B. Shubb**

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18 Defendant, ROBERT KIRBY WELLS, by and through his
19 undersigned counsel, and Plaintiff United States of America, by
20 and through its undersigned counsel, hereby stipulate as follows:

21 1. By previous order, this matter was set for status on
22 August 22, 2022, and time was excluded through August 22, 2022,
23 pursuant to 18 U.S.C. § 3161(h)(7)(A), (B)(iv) (Local Code T4).

24 2. By this stipulation, the parties jointly request that
25 the Court continue the status conference to November 14, 2022, at
9:00 a.m. The parties further request that the Court exclude
time under the Speedy Trial Act from August 22, 2022, through
November 14, 2022, pursuant to 18 U.S.C. § 3161(h)(7)(A), (B)(iv)

1 (Local Code T4).

2 3. The parties stipulate, and request the Court find the
3 following:

4 a) Defense counsel has received 131,749 pages of
5 discovery that include, among other things, investigative
6 reports, financial records, and other business records, as well
7 as the contents of two email accounts. Counsel for the defendant
8 would like time to review the evidence, discuss resolution
9 options, research sentencing issues, conduct independent factual
10 investigations, and otherwise prepare for trial.

11 b) Counsel for defendant, ROBERT KIRBY WELLS,
12 believes that failure to grant the above-requested continuance
13 would deny counsel the reasonable time necessary for effective
14 preparation, taking into account the exercise of due diligence.

15 c) The government does not object to the continuance.

16 d) Based on the above stated findings, the ends of
17 justice served by continuing the case outweigh the interest of
18 the public and the defendant in a trial within the original date
19 prescribed by the Speedy Trial Act.

20 e) For the purpose of computing time under the Speedy
21 Trial Act, 18 U.S.C. § 3161, et. seq., within which trial must
22 commence, the time period of August 22, 2022, up to and
23 including, November 14, 2022, is deemed excludable under 18
24 U.S.C. § 3161(h)(7)(A), (B)(iv) (Local Code T4), as it results
25 from a continuance granted by the Court at the defendant's
26 request on the basis of the Court's finding that the ends of
27 justice served by taking such action outweigh the best interest
28 of the public and defendant in a speedy trial.

1 IT IS SO STIPULATED.
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DATED: August 17, 2022

Respectfully submitted,

6 */s/ William J. Portanova*
7 WILLIAM J. PORTANOVA

8 Attorney for Defendant
9 ROBERT KIRBY WELLS

10 DATED: August 17, 2022

PHILLIP A. TALBERT
11 United States Attorney

12 */s/ Matthew Thuesen*
13 MATTHEW THUESEN
14 Assistant United States Attorney

15 **FINDINGS AND ORDER**

16 IT IS SO FOUND AND ORDERED.

17 Dated: August 17, 2022


18 WILLIAM B. SHUBB
19 UNITED STATES DISTRICT JUDGE
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